IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 18654 of 1994

Between:

Bonam Satyanarayana S/o. Late Danayya
r/o. Bhimavaram, West Godavari District.

..... PETITIONER

AND

1 The Sub Collector and Land Acquisition Officer Collector's Office, Narspuram West Godavari District.
2 Gadugolu Seetamalakshmi S/o. Ramamurthy
Bhimavaram, West Godavari District.
3 Madduri Meenakshamma W/o. Satyanarayana
Bhimavaram, West Godavari district.
4 The Branch Manager (Main Branch) State Bank of India, Narsapuram, West Godavari District.
5 The Branch Manager (Main Branch) State Bank of India, Bhimavaram, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the action of the 1st respondent in disbursing the compensation amount in Award No. 3/93-94 to the 2nd and 3rd respondents without referring the matter to the Civil Court

under Section 18 of the Land Acquisition Act and before the expiry of two months from the date of the notice dated 30.9.1994 issued under Section 12(2) of the Land Acquisition Act as illegal, arbitrary and contrary to Section 18 and 31 of the Land Acquisition Act by issuing a Writ of Mandamus or any other appropriate Writ, order or direction and for a consequential direction to the 1st respondent to deposit the total compensation of Rs.6,00,210/- awarded for an extent of land Ac.O.85 1/2 cents in R.S.No. 255/1 of Gunupudi Village of Bhimavaram Mandal, West Godavari District in Award No. 3/93-94 in the court to which reference is to be made by recalling and cancelling the cheques issued in favour of the 2nd and 3rd respondents, for Rs. 2,00,070/- and Rs.2,00,070/- respectively and to pass such other appropriate orders.

Counsel for the Petitioner: MR.G.RAMA GOPAL

Counsel for the Respondent No.1: GP FOR LAND ACQUISITION

The Court made the following:

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ORDER:

The present writ petition has been filed to declare the action of the 1st respondent in disbursing the compensation amount in Award No.3/93-94 to the 2nd and 3rd respondents without referring the matter to the Civil Court under Section-18 of the Land Acquisition Act

as arbitrary and illegal.

The learned counsel for the petitioner argued that after passing of the award, a notice was issued to the petitioner under Section-12 (2) of the Land Acquisition Act (for brevity 'the Act'). He further submitted that as per Section-12 (2) of the Act, the Land Acquisition Officer shall not disburse the amount of compensation within two months from the date of service of notice, but violating the same, the Land Acquisition Officer and Sub Collector, Narsapuram, has chosen to disburse the amount to the respondents 2 and 3 without referring the matter to the Civil Court under Sections-18 and 31 of the Act.

The first respondent-Sub-Collector and Land Acquisition Officer, Narasapur, filed the counter-affidavit denying all the allegations of the petitioner and further stated that the petitioner attended the award enquiry conducted by him on 04.08.1994 and gave written statement claiming only 1/3rd share in the extent of Ac.0-95 ½ cents covered by R.S.No.255/1 and the respondents 2 and 3 have also given the statements each claiming 1/3rd share in the above said property and in view of the same, the compensation amount has been apportioned between the petitioner and the respondents 2 and 3. It is also stated that the petitioner filed O.S.No.40 of 1995 on the file of the Sub-Ordinate Court at Bhimavaram, claiming the same relief as claimed in this writ petition.

In view of the submissions made in the counter-affidavit, filed by the 1st respondent, that the petitioner and the respondents 2 and 3 gave statements to the Land Acquisition Officer each claiming 1/3rd share in the above said property and have agreed for the payment of the compensation accordingly and also in view of the fact that the petitioner has chosen to file O.S.No.40 of 1995 on the file of the Sub-Court, Bhimavaram, claiming the same relief, which is sought for in this writ petition, I do not find any reason to interfere with the impugned order by exercising the extra-ordinary jurisdiction of this Court under Article-226 of the Constitution of India.

Accordingly, the writ petition is dismissed. No costs.

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29.07.2004

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To

1 The Sub Collector and Land Acquisition Officer Collector's

Office, Narspuram West Godavari District.
2 The Branch Manager (Main Branch) State Bank of India,

Narsapuram, West Godavari District.
3 The Branch Manager (Main Branch) State Bank of India,

Bhimavaram, West Godavari District.

4 Two CCs to Government Pleader for Land Acquisition, High

Court Buildings, Hyderabad. (OUT)

5 Two CD copies.